



## REMARKS

Claims 1 – 3 are currently pending in the present application. With this Response, Applicants amend claims 1 and 3 - 6. No new matter is introduced.

### OBJECTED DRAWING

The drawing is objected to under 37 C.F.R. § 1.83(a) as failing to show every feature specified in the claims. Specifically, the Examiner notes that the heating element of the electrical diffuser of claim 1 is not illustrated. Applicant adds FIG. 4 to illustrate the heating element 6 as described in claim 1, and amends the specification to provide a description of new FIG. 4. No new matter is introduced. Accordingly, Applicant respectfully requests that the objection be withdrawn.

### REJECTION UNDER 35 U.S.C. § 112

Claims 1 – 3 are rejected under the second paragraph of 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim that which Applicant regards as his invention. Specifically, the Examiner points to several grammatical informalities. Applicant amends claims 1 - 3 to address the informalities, and respectfully requests that the rejection be withdrawn.

### REJECTION UNDER 35 U.S.C. § 103

Claims 1 – 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,937,140 to Leonard et al. in view of Spector. Applicant amends independent claim 1 to further define the nature of his invention, and respectfully traverses this rejection.

In amended independent claim 1, Applicant discloses an electrical diffuser which includes a heating element embodied as an electrical resistor, arranged to supply heat to at least one of a solid product pill and a container of a liquid product, so that the heat generated by said heating element causes evaporation or sublimation of at least one of the solid product pill and the liquid product, further including an electronic switch automatically operated by a light sensor, so that the operation of the heating element depends on an ambient light intensity and is independent of time.

Leonard discloses a plug-in diffuser including a resistive heating element (see, e.g., abstract of Leonard). The Examiner acknowledges that Leonard does not disclose Applicant's claimed light sensor for automatic operation, and suggests that Spector discloses this missing limitation.

Spector discloses a light-activated fan-driven aroma generator, in which a light sensor is sensitive to a change in ambient light intensity (e.g., light is switched on or switched off) and activates a timed electronic relay to operate the aroma generator for a predetermined time (see, e.g., FIG. 4 of Spector). In contrast to Spector, Applicant discloses a diffuser with light sensor that is automatically and continuously operated depending only on an ambient light intensity, and thereby independently of time. Unlike the aroma generator of Spector, Applicant's electrical diffuser is preferably plugged into a socket to be operated by commercial electrical power, so that its operation need not be limited in time like the device of Spector. Applicant's claimed device provides an advantage over the device of Spector, for example, in that its operation need not be limited in time so long as light intensity is above a predetermined threshold, and conversely need not be extended to fill a set period of time even when light intensity drops below the threshold well before the end of the set period of time.

Accordingly, Applicant respectfully submits that independent claim 1 is not made obvious by the combination of Leonard and Spector, and is therefore in condition for allowance.

As dependent claims 2 and 3 each depend from allowable claim 1, Applicant further submits that claims 2 and 3 are also allowable for at least this reason.

**CONCLUSION**

An earnest effort has been made to be fully responsive to the Examiner's objections. In view of the above amendments and remarks, it is believed that claims 1 – 3, consisting of independent claims 1 and the claims dependent therefrom, are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, he is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



Thomas J. Bean  
Reg. No. 44,5287

**CUSTOMER NUMBER 026304**

Katten Muchin Zavis Rosenman  
575 Madison Avenue  
New York, NY 10022-2585  
(212) 940-8703  
Docket No.: HERR 19.510 (100700 – 00056)  
TJB: pm

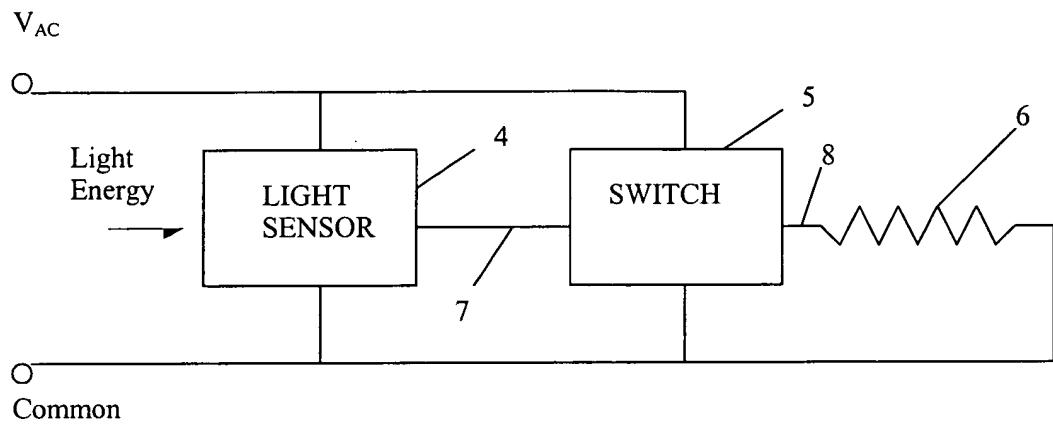


FIG. 4